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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,780	01/18/2001	Ichiro Hashimoto	1614.1112	5963

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EXAMINER

JASMIN, LYNDIA C

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,780

Applicant(s)

HASHIMOTO ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,14,15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,14,15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendment received March 14, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 3, 5, 9 and 13-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (6,748,426 B1), in view of Greenstone (2001/0047303 A1).

Shaffer discloses a network-based server device embodied in a computer-readable recording medium containing a program for managing product inventory

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information on an individual-store basis including: a receiving unit (via merchant server) receiving requests for product information from a customer via a respective client device (consumer computer 14); and a processing unit (via information system 25) identifying inventory information of near stores having an address which is in proximity to an address designated by the customer (via calculating the store location that is closest to the client; col. 6, lines 22-26), and transmitting, to the client device in response to the request for product information, the identified product inventory information on an individual-store basis corresponding to the respective near stores selected on the basis of customer identification information received from the respective client device, and sorting the transmitted product inventory information by store in order of proximity to the address designated by the customer (col. 11, lines 22-32).

Further the transmitted product inventory information comprises access information for accessing individual stores (via valuable information items that vary by store and is only available at individual store level), hours of operation information for individual stores (via service and delivery time that vary by store), and the processing unit.

However, Shaffer et al. fails to explicitly disclose that each store's proximity to the designated address is determined by the processing unit by first checking for an exact zip code match between the respective plurality of stores and the designated address, second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and third checking for stores having a zip code

within a range of the first n digits of the designated address zip code if there was not the exact zip code match and the first n digits of the zip codes did not match.

Greenstone discloses the concept of upon receiving the customer inquiry; a comparison search is undertaken in the database to identify the tire source closest to the customer's geographic location or required point of delivery. If the inventory of the tire source closest to the customer's location includes the product or products requested by the customer, the customer transmits through the electronic interface a purchase order and payment that is received at the central processing station. However, if the inventory of the tire source closest to the customer's geographic location does not include a product requested by the customer, an additional search of the database is initiated to identify the tire source that is next closest in distance to the customer's location. Thereafter, a search is executed of the inventory of the next closest tire source to locate the customer's product(s). Preferably, the search of tire sources and inventory will continue until each tire source closest to the customer's location that also has the customer's requested product in inventory is identified.

From this teaching of Greenstone, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information system of Shaffer et al. to include the exact location of the store to the customer as taught by Greenstone in order to decrease customer's shipping cost and delivery time.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Shaffer and Greenstone combination, as applied to claim 1 above, and further in view of ServiceMerchandise.com (Business Wire Nov. 29, 1999).

The Shaffer and Greenstone combination discloses the elements of the claimed invention, but fails to explicitly disclose adding identifying marks to the transmitting product inventory information and allowing the customer to place a hold on an item.

ServiceMechandise.com discloses the concept of providing online customer with the ability to see whether an item is in stock at local stores and reserve the item for pick-up. From this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the linking information of the Shaffer and Greenstone combination to include the holding or reserving of items based on store locator in order to facilitate an ease customer pick-up.

Response to Arguments

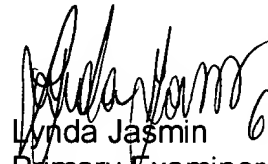
5. Applicant's arguments with respect to claims 1, 9 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Increased Flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

6/13/05

lj